

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

**FARM SANCTUARY; ANIMAL LEGAL
DEFENSE FUND; ANIMAL OUTLOOK;
ANIMAL WELFARE INSTITUTE;
COMPASSION IN WORLD FARMING;
FARM FORWARD; and MERCY FOR
ANIMALS, INC.,**

Plaintiffs,

v.

SONNY PERDUE, in his official capacity as
Secretary of Agriculture; and **UNITED
STATES DEPARTMENT OF
AGRICULTURE; FOOD SAFETY AND
INSPECTION SERVICE**; and **PAUL
KIECKER**, in his official capacity as Food
Safety and Inspection Service Administrator,

Defendants.

Civil Action No.: 6:20-cv-06081

The Honorable Frank P. Geraci, Jr.

**DECLARATION OF WILLIAM J.
RUDLOFF IN SUPPORT OF
PLAINTIFFS' OPPOSITION
TO MOTION TO DISMISS**

I, William J. Rudloff, hereby declare as follows:

1. The facts contained in this declaration are known personally to me and, if called as a witness, I could and would testify competently thereto under oath.
2. I live in Bowling Green, Kentucky.
3. I am a member of Farm Sanctuary, and I rely on Farm Sanctuary for information about animal agriculture and slaughter practices, including how those practices affect my personal health and public health.
4. I am submitting this declaration in support of Plaintiffs' challenge to Defendants' failure to comply with Congress's 2002 mandates regarding pigs at slaughterhouses who are "downed," or unable to rise or walk, and Defendants' denial of a 2014 petition for rulemaking seeking a regulation banning the slaughter of these animals for human consumption.

5. I am eighty-two years old.

6. I retired from my position as a state Administrative Law Judge in 2015. I also previously served as a federal Magistrate Judge. I graduated from Vanderbilt Law School in 1965.

7. I regularly consume pork products and especially enjoy pork barbeque, which I eat about once a month on average. I eat pork products both at home and at restaurants.

8. I have learned from Farm Sanctuary that every year more than 500,000 pigs arrive at slaughterhouses in the United States unable to stand or walk, and that additional pigs become unable to stand or walk after arriving at the slaughterhouses. I understand from Farm Sanctuary that extensive evidence indicates that pigs who are unable to stand or walk are more likely to harbor disease than ambulatory pigs. I have also learned from Farm Sanctuary that these pigs are often set aside in pens for prolonged periods of time where they are unable to rise from the feces-ridden floors before ultimately being slaughtered for human consumption, and that pigs' feces can transmit a host of serious and potentially fatal pathogens to humans, some of which are resistant to antibiotics.

9. The presence in the market of pork from downed pigs puts me at an enhanced risk of eating pathogenic meat. I am concerned about my enhanced risk of disease transmission from eating pork products because government allows downed pigs to enter the human food supply. This exposure to potentially harmful products injures me.

10. I am especially concerned about these risks given my age, which makes me particularly vulnerable to contracting food-borne illnesses and susceptible to being more seriously affected by such illnesses.

11. I am also concerned about my risk of exposure to swine flu, a highly contagious airborne disease that is transmissible from pigs to humans, and then to other humans. I understand from Farm Sanctuary that downed pigs are also much more likely to carry swine flu subtypes H1N1 and H3N2

than other pigs, that H1N1 is transmissible between pigs and humans, and that, according to Centers for Disease Control and Prevention estimates, the 2009 H1N1 pandemic sickened 60.8 million Americans, killing 12,469 people. I am aware of at least one pork farm in Bowling Green. I am also aware that there are twenty-six slaughterhouses in Kentucky that slaughter pigs, including one that is just fifteen miles from Bowling Green.

12. My exposure to these risks would be reduced by a court order compelling the Defendants to follow through on Congress's 2002 statutory mandates regarding downed pigs and setting aside Defendants' denial of Plaintiffs' rulemaking petition.

In accordance with 28 U.S.C. § 1746 and under penalty of perjury, I swear that the foregoing is true and correct.

Executed on April_28_, 2020

/s/ William J. Rudloff

William J. Rudloff